

**From:** Amelia Kitchens <kitchens.amelia@gmail.com>

**Sent:** Wednesday, October 5, 2022 8:08 PM

**To:** scorerecheck@ecfm.org

**Subject:** Score Validity Cease & Desist, ECFMG ID: [REDACTED]

**External Email. Please Proceed with Caution.**

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Good Evening,

Please find attached a cease and desist letter for Dr. Marcus Kitchens, Jr. (USMLE/ECFMG ID No.: [REDACTED]).

Should you have any questions or concerns, please do not hesitate to contact me. Otherwise, have a great day.

Sincerely,  
Amelia L. Kitchens, Esq.  
KBA #99261

DEFENDANT'S  
EXHIBIT

**89**

October 3, 2022

Educational Commission for Foreign Medical Graduates (ECFMG)  
3624 Market Street  
Philadelphia, PA 19104-2685  
Info@ecfm.org

**Re: Score Validity – Demand to Cease and Desist**  
**USMLE/ECFMG Identification No.:** [REDACTED]

To Whom It May Concern,

I have been retained to represent Dr. Marcus Kitchens. It has come to the attention of my client that you have failed his STEP 1 and STEP 2 exams on multiple occasions without providing a good faith basis as to whether it represented a valid measure of his knowledge and/or competence. These improper inquiries into the validity of his scores has induced restrictions from the USMLE program and future access to the exams. The multiple, unsupported failing score reports do not accurately reflect Dr. Kitchens's competency and contradict the multiple self-assessments taken prior to his exams which demonstrated strong performances. It is hard to believe the USMLE's scoring system is so perfect that, despite its decades-long history, a score recheck has never resulted in a change in score. This is particularly impressive when looking at the pass rate percentage amongst examinees from US-Canadian schools versus International Medical Graduates.

This illegal behavior by you must cease immediately. As of the date of this letter, Dr. Kitchens has sat for STEP 1 for the third time – to which, he believes was a reasonable measure of proficiency and knowledge – should his test be improperly scored again, my client has authorized me to file suit against you. You are hereby put on notice to immediately cease and desist all improper questions and/or investigations of score validity. Additionally, Dr. Kitchens is prepared to join similarly situated Medical Graduates in bringing this issue before Congress.

If I have not received an affirmative response from you by October 13, 2022, indicating that you have fully complied with these requirements, as indicated on the attached agreement, my client shall consider taking any and all legal remedies available to rectify this situation, including but not limited to filing a motion for injunctive relief, monetary damages, filing fees, court costs, and/or attorneys fees. You may email the attached agreement to me at [kitchens.amelia@gmail.com](mailto:kitchens.amelia@gmail.com), or text it to me at (859) 428-8488.

Sincerely,

Amelia L. Kitchens  
Amelia L. Kitchens, Esq.  
KBA #99261

ALK/eap

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